

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on March 27, 2003 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Eileen J. Carney, Vice Chairman (D)
Rep. Scott Mendenhall, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Rod Bitney (R)
Rep. Larry Cyr (D)
Rep. Ronald Devlin (R)
Rep. Gary Forrester (D)
Rep. Ray Hawk (R)
Rep. Hal Jacobson (D)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Penny Morgan (R)
Rep. Alan Olson (R)
Rep. Holly Raser (D)

Members Excused: Rep. Jesse Laslovich (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: SB 168, SB 187, SB 246, 3/7/2003
Executive Action: SB 197, SB 168, SB 24, SB 112, SB 150, SB 163, SB 288, SB 222

HEARING ON SB 168

Sponsor: SEN. EMILY STONINGTON, SD 15, Bozeman.

Opening Statement by Sponsor:

SEN. STONINGTON stated that SB 168 came from local governments that felt the roads in an annexation were not dealt with in a way that would be beneficial to future use and oversight. **SEN. STONINGTON** referred to West Babcock in Bozeman as an example to explain the problems that could arise under present law. She went on to say that under SB 168 when property became annexed the full width of the road along the perimeter of the subdivision would be included in the annexation.

Proponents' Testimony:

Lee Provance, Gallatin County Road and Bridge Superintendent, spoke in support of the bill. **Mr. Provance** indicated that SB 168 would clarify jurisdiction and the roles that the city and county would play in maintenance of all roads. It went on to say that it would also clarify which entity would be responsible for payment of that maintenance. He concluded by asking the Committee for their support of the bill.

Greg Robertson, Director, Public Works, Missoula County, expressed his support of SB 168. He stated it was logical legislation as it would clear up the jurisdictional problems created by annexation.

Gordon Morris, Montana Association of Counties, asked the Committee for their support of SB 168.

Bill Kennedy, Yellowstone County Commissioner, stated that SB 168 would clear up a lot of the annexation problems they see. He urged the Committee to support the bill.

Steve Mandeville, Helena Local Planning Board, informed the Committee of an annexation problem he had seen in the Helena area. He stated that SB 168 would solve such problems.

Roger Halver, Montana Association of Realtors, spoke in support of SB 168 and encouraged the Committee to pass the bill.

Don Hargrove, Gallatin County, explained that being a growth county they were seeing a lot of annexation. He went on to say that they felt it was important that the City take over the responsibility of road maintenance when they annex county

property into the city. He pointed out that SB 168 being made into law would solve the problems.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BITNEY asked **SEN. STONINGTON** if a person or entity owned a private road, and did not want their road annexed, would there be a condemnation, or an eminent domain issue. He went on to ask if the road were strictly private, and a subdivision built next to it, would the legislation require that road to be annexed. **SEN. STONINGTON** stated that it would be annexed only if the subdivision was annexed. She continued that if the subdivision were annexed it would be up to the residents of the subdivision to approach the owner of the road to see if he would sell them the road.

REP. MAEDJE asked **SEN. STONINGTON** for further clarification on the roads being annexed. **SEN. STONINGTON** explained that the bill was not talking about private roads it was talking about public streets or roads.

REP. MAEDJE asked **SEN. STONINGTON** if Parts 42 through 47 were simply dealing with roads approved by the subdivisions. **SEN. STONINGTON** stated they were dealing with Title 7, which was Local Government.

Connie Erickson, Legislative Services, informed the Committee that subdivision laws were in Title 76 and explained Parts 42 - 47. **REP. MAEDJE** and **Ms. Erickson** further discussed the annexation of land.

REP. RASER asked **SEN. STONINGTON** if under the present rule, the county or city could annex any part of the road in question. **SEN. STONINGTON** replied that the city would prefer to annex, however, annexation is done by petition. Therefore, the petitioner would define what was to be annexed.

REP. FORRESTER asked **Mr. Kennedy** if annexation was always by petition. **Mr. Kennedy** replied that it was not always by petition, it could be done by waivers of protest.

CHAIRMAN NOENNIG asked **Mr. Kennedy** to explain the issue in Billings regarding the roads. **Mr. Kennedy** stated that the road in question was Rimrock Road in Billings. When the City annexed

the Yellowstone Country Club they left the county road out of the annexation that went up to the County Club. This had also happened in the Briarwood Subdivision. He went on to say that this error created a conflict between the City and County as to who was responsible for maintenance of the road.

CHAIRMAN NOENNIG further asked Mr. Kennedy if the issue was, if they did not annex the road as part of the City, who would maintain the road, the City or the County. **Mr. Kennedy** stated that was what it was all about.

Closing by Sponsor:

SEN. STONINGTON shared a story from a person in Hamilton that related to the issue at hand. She went on to say that since there was so much confusion regarding the annexation of roads she hoped that SB 168 would clear the matter up.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 22.9}

HEARING ON SB 197

Sponsor: **SEN. GARY PERRY, SD 16, Manhattan.**

Opening Statement by Sponsor:

SEN. PERRY explained Title 76 dealing with city and city/county planning boards and how they were to function. He gave an example of how Title 76.233 was misinterpreted and the results of that misinterpretation. He stated that SB 187 would clarify Title 76 and thereby prevent further misunderstandings and conflicts.

REP. LASLOVICH arrived at the hearing.

Proponents' Testimony:

Mona Jamison, Representing Gallatin County, clarified the bill. She stated that both cities and counties would benefit by passage of SB 197. She continued that they felt that no municipality had the right to veto or reject the appointee made to the planning boards by the county. **Ms. Jamison** then referred to a pertinent section in the law and read it to the Committee. She concluded by asking for support of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 22.9 - 29.1}

Gordon Morris, Montana Association of Counties, asked the Committee's support for the bill.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. MORGAN asked Ms. Jamison what effect the bill would have on the current lawsuit in Bozeman. **Ms. Jamison** stated that she had been told by Mr. Lambert, Gallatin County Attorney, that the county had won the lawsuit. Ms. Jamison presented the Committee with a handout, attached as Exhibit 1.

EXHIBIT(loh65a01)

REP. MAEDJE asked Ms. Jamison what the date of enactment would be. **Ms. Jamison** replied that it would be automatic October 1 of the year that the bill would pass.

Closing by Sponsor:

SEN. PERRY closed on his bill.

REP. OLSON left the hearing.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2}

EXECUTIVE ACTION ON SB 197

Motion/Vote: **REP. RASER** moved that SB 197 BE CONCURRED IN. Motion carried 16-0 by voice vote with **REP. A. OLSON** voting by proxy.

REP. OLSON returned to the hearing.

Vote: Motion SB 197 BE PLACED ON THE CONSENT CALENDAR carried 16-0 by voice vote.

REP. YOUNKIN will carry the bill on the floor of the House.

{Tape: 1; Side: B; Approx. Time Counter: 2 - 5.6}

EXECUTIVE ACTION ON SB 168

Motion: **REP. DEVLIN** moved that SB 168 BE CONCURRED IN.

Discussion:

There was discussion between **REPS. BITNEY, CHAIRMAN NOENNIG** and **Ms. Erickson** regarding annexation of land that was wholly surrounded by a city and whether or not a waiver needed to be obtained. There was also discussion regarding who would be responsible for bringing utilities up-to-date in an area that was not part of the city prior to annexation.

REP. MAEDJE asked if there was a county road with the property underneath owned by a private individual, if an easement could be given to a municipality for purposes of annexation. **CHAIRMAN NOENNIG** responded that the right-of-way was what the bill was dealing with. He went on to explain what a public right-of-way was and what he believed the bill was addressing. **Ms. Erickson** further explained that the road would have to be adjacent to the property being annexed.

CHAIRMAN NOENNIG asked if a city could annex county property. **Ms. Erickson** replied that as far as she knew there was no law that said that they could not.

REP. FORRESTER stated that in the two instances of Rimrock Road and Blue Creek Road SB 168 would correct the problem.

CHAIRMAN NOENNIG stated that there was a provision in law for annexing contiguous government land.

Motion/Vote: **REP. DEVLIN** moved **THAT EXECUTIVE ACTION ON SB 168 BE POSTPONED UNTIL AFTER THE HEARING ON SB 246.** Motion carried 16-0 by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 5.6 - 12}

HEARING ON SB 246

Sponsor: **SEN. BILL GLASER, SD 8, Huntley.**

Opening Statement by Sponsor:

SEN. GLASER stated that SB 246 was a bill which would prevent property owners of an area being annexed into the city from financing both city and fire service areas. **SEN. GLASER** explained that both the Montana Association of Counties and the League of Cities stood in support of the bill as it had been amended.

Proponents' Testimony:

Gordon Morris, Montana Association of Counties, stated that it was a straight forward bill. He pointed out pertinent language in the bill which eliminated confusion and encouraged support for SB 246.

Charles Brooks, representing Yellowstone County Board of Commissioners, spoke in support of SB 246 and encouraged the Committee's support.

Pat Clinch, President, Montana State Council of Professional Fire Fighters, stated they stood in support of SB 246. He pointed out that it made sense and the property owners should not have to pay twice for fire protective services.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

There was discussion between **REP. FORRESTER, Mr. Morris, Mr. Brooks** and **SEN. GLASER** as to how bonds, equipment, property, etc. would be paid for after an area had been annexed into the city. Further discussion was held on who would be responsible for those payments and how they would dispose of the property in question.

{Tape: 1; Side: B; Approx. Time Counter: 12 - 28.2}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.9}

CHAIRMAN NOENNIG referred Mr. Morris to Page 4, Lines 12 & 13 and asked if it had been their intention to change the laws covering boundaries whether there was annexation or not, without petition. **Mr. Morris** responded that any alteration of boundaries would be done pursuant to Subsection 2 no matter what the reason. There was further discussion on altering, expanding and reducing boundaries and what would be covered under SB 246.

CHAIRMAN NOENNIG then referred Mr. Morris to Page 5 and asked him to explain how information could prevent anyone from assuming debt. **Mr. Morris** stated that the Sponsor's intent was to eliminate the possibility that once the boundaries were altered, relative to annexation, the city would be notified that they would no longer be assessing structure fees for the fire service district and the city could begin assessing those fees.

Closing by Sponsor:

SEN. GLASER explained that he believed the bill did what Yellowstone County wanted it to do. He continued that the bill would also work for the rest of the State. It would prevent citizens from having to pay twice for fire protective services.

{Tape: 2; Side: A; Approx. Time Counter: 0.7 - 9.4}

Return to Executive Action on SB 168

CHAIRMAN NOENNIG, REP. FORRESTER, REP. DEVLIN, REP. MORGAN and REP. OLSON discussed the language of the bill pertaining to what part, if not all, of the road or roads accessing or surrounding a subdivision would be annexed into the a city under SB 168. There was further discussion as to who would be responsible for the actual maintenance of the annexed roads and who would pay the costs of that maintenance. It was questioned as to whether or not county, state and interstate highways could be annexed.

{Tape: 2; Side: A; Approx. Time Counter: 9.4 - 17.8}

Mona Jamison explained that the sole purpose of the bill was to see that when a city annexed a subdivision they would be responsible for maintaining the full width of any road bordering that subdivision.

CHAIRMAN NOENNIG and REP. MAEDJE further discussed the language regarding the annexation and maintenance of roads surrounding annexed subdivisions.

{Tape: 2; Side: A; Approx. Time Counter: 17.8 - 21.9}

REP. RASER asked if SB 168 conflicted or clarified current law. **CHAIRMAN NOENNIG** responded that SB 168 would require cities to annex roads adjacent to the property being annexed which under current law they did not have to do.

REP. FORRESTER asked **CHAIRMAN NOENNIG** if the county would be released from the responsibility of maintaining Rimrock Road and the City become responsible should SB 168 pass. **CHAIRMAN NOENNIG** stated that there was no retroactive applicability date on the bill and would only apply to annexations after the bill was signed into law.

REP. MAEDJE reiterated his concerns regarding the annexation of roads, especially in regard to roads that were owned to the middle of the road by private individuals.

Motion/Vote: REP. MENDENHALL moved that SB 168 BE CONCURRED IN. Motion carried 12-4 by voice vote with REPS. RASER, LAWSON, MORGAN and MAEDJE voting no.

REP. BECKER will carry SB 168 on the floor of the House.

{Tape: 2; Side: A; Approx. Time Counter: 21.9 - 25.2}

EXECUTIVE ACTION ON SB 24

Motion: REP. LASLOVICH moved that SB 24 BE CONCURRED IN.

Discussion:

CHAIRMAN NOENNIG gave a history of the bill. He explained that there were two current statutes relevant to SB 24 that he wanted Ms. Erickson to explain.

Connie Erickson explained the relationship of 2-6-110, MCA, the definitions found therein and how they related to SB 24. She concluded by stating that SB 24 dealt with electronic government services and the cities and counties desire to be able to charge convenience fees for duplicating data, which the State can already do.

REP. NOENNIG commented on the fact that he had spent considerable time in discussions with the Chief Legal Counsel, Greg Petesch and Connie Erickson on the constitutionality of SB 24. As a result of those discussions he was now comfortable with the fact that SB 24 was within the context of the Constitution.

Motion: REP. MAEDJE moved that SB 24 BE AMENDED.

REP. MAEDJE proposed an amendment to SB 24. As he did not have copies for all of the Committee he read his proposed amendments. They were as follows: On Page 1, Line 15 delete the words "electronic government services." On Page 1, Line 14 after the words "recover the costs providing" add the words, "only copies or duplicates of the electronic government services or data generated in a format acceptable to the requester." On Page 1, Line 22 delete the words "electronic government services" and after the word "providing" add the words "only copies of duplicates of the electronic government services or data generated in a format acceptable to the requester."

As Ms. Erickson did have a copy of the proposed amendments, **CHAIRMAN NOENNIG** requested that she read the amendments into the bill for the Committee's information. **Ms. Erickson** read the proposed amended section: "...as used in this section

convenience fee means a fee charge to recover the costs of providing only copies or duplicates of the electronic government services or data generated in a format acceptable to the requester." **Ms. Erickson** pointed out that the wording would be the same in the next section as it related to cities.

Vote: Motion that AMENDMENT TO SB 24 BE CONCURRED IN failed 4-12 by roll call vote, with REPS. MAEDJE, MORGAN, RASER and CARNEY voting no.

Motion/Vote: REP. LASLOVICH moved that SB 24 BE CONCURRED IN. Motion carried 11-5 by voice vote with REPS. LAWSON, MORGAN, RASER, MAEDJE and MENDENHALL voting no.

REP. CARNEY will carry SB 24 on the floor of the House.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 15.6}

EXECUTIVE ACTION ON SB 112

Motion: REP. LASLOVICH moved that SB 112 BE CONCURRED IN.

Motion: REP. LASLOVICH moved that SB 112 BE AMENDED.

EXHIBIT(loh65a02)

Discussion:

Connie Erickson explained SEN. MCCARTHY'S amendment to SB 112, attached as Exhibit 2. She pointed out that the amendment would take out of the bill the provisions that related to the sur-charge on conservation licenses.

REP. MENDENHALL, CHAIRMAN NOENNIG, REP. DEVLIN, REP. RASER and **Connie Erickson** discussed the fiscal note and fiscal impact of SB 112.

REP. RASER asked about the impact on the general fund.

{Tape: 2; Side: B; Approx. Time Counter: 15.6 - 26.9}

REP. DEVLIN stated that it was his understanding that the impact on the general fund would not change because of the differences in the amount of special revenue that would be available.

Ms. Erickson pointed out that in fiscal year 2004 the net impact on the general fund balance would be a negative \$14,000. She

continued saying that in fiscal year 2005 it would go to the positive side.

CHAIRMAN NOENNIG asked the reason for the impact to the general fund. **Ms. Erickson** responded saying that the general fund impact came from the Department of Revenue.

REP. MENDENHALL, REP. LAWSON, REP. RASER, and Ms. Erickson continued to discuss the general fund, the collection of fees, sources of revenue and the costs of running the program.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 3.6}

REP. BECKER asked about the ruling from Fish, Wildlife and Parks and conservation licenses. **Ms. Erickson** responded that they were both impacted.

CHAIRMAN NOENNIG, REP. BECKER, REP. MENDENHALL and Ms. Erickson discussed conservation licenses and license revenues and where they were deposited. **Ms. Erickson** commented on fact that since the money was co-mingled, it could not be used. She read an excerpt from a letter that she had received in regard to SB 112.

{Tape: 3; Side: A; Approx. Time Counter: 3.6 - 8.8}

Vote: Motion that SB 112 BE AMENDED carried 16-0 by voice vote.

REP. RASER stated that she liked the idea but she hoped that the sponsor would figure out a way to generate revenue to fund the program.

REP. RASER left the hearing.

Motion: REP. LASLOVICH moved that SB 112 BE AMENDED.

EXHIBIT (loh65a03)

Discussion:

Ms. Erickson explained the proposed amendment. She indicated that it was for coordination purposes.

CHAIRMAN NOENNIG, REP. LASLOVICH, REP. MORGAN, REP. DEVLIN and Ms. Erickson discussed the coordination amendment and the reason for adding it to the bill.

{Tape: 3; Side: A; Approx. Time Counter: 5.9 - 17.5}

Vote: Motion that SB 112 BE AMENDED carried 16-0 by voice vote with REP. RASER voting aye by proxy.

Motion: REP. LASLOVICH moved that SB 112 BE CONCURRED IN AS AMENDED.

Discussion:

REP. MENDENHALL stated that although he liked the idea he could not support the bill.

REP. MAEDJE declared that he would not support SB 112.

REP. JACOBSON indicated the amounts that Search and Rescue would have to work with the first two years, if the bill passed.

Substitute Motion: REP. OLSON made a substitute motion that SB 112 BE TABLED.

CHAIRMAN NOENNIG stated that he would not recognize the motion for a few minutes.

REP. DEVLIN further explained the funding process under SB 112.

REP. LAWSON explained that the only source of revenue came from the fifty cent licensing fee.

REP. DEVLIN referenced the fiscal note and commented on the funding.

CHAIRMAN NOENNIG recognized REP. OLSON'S substitute motion that SB 112 BE TABLED.

Vote: Substitute motion failed 8-8 by roll call vote with REPS. BITNEY, HAWK, LAWSON, MAEDJE, MORGAN, OLSON, RASER and MENDENHALL voting aye REP. RASER voted aye by proxy.

It was unanimously decided to reconsider the substitute motion to table SB 112.

Motion/Vote: REP. OLSON moved that SB 112 BE TABLED. Motion carried 11-5 by roll call vote with REPS. BECKER, DEVLIN, JACOBSON, LASLOVICH and CARNEY voting no and REP. RASER voting aye by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 17.5 - 24.1}

EXECUTIVE ACTION ON SB 150

Motion: REP. MORGAN moved that SB 150 BE CONCURRED IN.

Discussion:

Ms. Erickson stated that SB 150 dealt with government bonding and assessment laws. She gave a brief history of the bill and explained the purpose of the bill for information purposes.

Anna Miller, Department of Natural Resources and Conservation, explained that SB 150 was a cleanup bill to help local governments when they did refunding of debt. She went on explain how the bill would work.

{Tape: 3; Side: A; Approx. Time Counter: 24.1 - 26.8}

Vote: Motion that SB 112 BE CONCURRED IN carried 16-0 by voice vote with REP. RASER voting aye by proxy.

Motion/Vote: REP. MORGAN moved SB 150 BE PLACED ON THE CONSENT CALENDAR. Motion carried 15-0 by voice vote.

REP. MORGAN will carry SB 150 on the floor of the House should there be an objection to it being placed on the Consent Calendar.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 0.6}

EXECUTIVE ACTION ON SB 163

Motion/Vote: REP. BECKER moved that SB 163 BE CONCURRED IN. Motion carried 16-0 by voice vote with REP. RASER voting aye by proxy.

Motion/Vote: REP. BITNEY moved SB 163 BE PLACED ON THE CONSENT CALENDAR. Motion carried 15-0 by voice vote.

REP. LASLOVICH will carry SB 163 on the floor of the House should there be an objection to it being placed on the Consent Calendar.

{Tape: 3; Side: B; Approx. Time Counter: 0.6 - 1.9}

EXECUTIVE ACTION ON SB 288

Motion: REP. LASLOVICH moved that SB 288 BE CONCURRED IN.

Motion: REP. MENDENHALL moved that SB 288 BE AMENDED.

Discussion:

Ms. Erickson explained the amendments and expressed her concern as to the constitutionality of the proposed amendments.

Gordon Morris, Montana Association of Counties, stated that SEN. MANGAN'S intent was to have the outcome of the bill reflect to the best of his ability the intent of the legislature in the 2001 session. He went on to say that the purpose for his amendment was to clear up the language added by the Senate.

CHAIRMAN NOENNIG, REP. DEVLIN, Ms. Erickson and Mr. Morris discussed SB 288 in its original form, as amended by the Senate and with the proposed amendment added.

REP. MENDENHALL proposed that they pass the amendment to the bill and take their chances on any challenges.

Motion/Vote: REP. MENDENHALL moved that AMENDMENT TO SB 288 BE CONCURRED IN. Motion carried 15-1 by voice vote with REP. LAWSON voting no and REP. RASER voting aye by proxy.

Motion/Vote: REP. LASLOVICH moved that SB 288 BE CONCURRED IN AS AMENDED. Motion carried 15-1 by voice vote with REP. LAWSON voting no and REP. RASER voting aye by proxy.

REP. LASLOVICH will carry SB 288 on the floor of the House.

{Tape: 3; Side: B; Approx. Time Counter: 1.9 - 16.7}

EXECUTIVE ACTION ON SB 222

Motion: REP. MENDENHALL moved that SB 222 BE CONCURRED IN.

{Tape: 3; Side: B; Approx. Time Counter: 16.7 - 18.7}

A letter submitted by Greg Van Horssen was distributed to the Committee for their information, attached as Exhibit 4.

EXHIBIT (loh65a04)

Ms. Erickson discussed a proposed amendment by CHAIRMAN NOENNIG for the Committee's information.

CHAIRMAN NOENNIG withdrew his proposed amendment.

Motion: **REP. MAEDJE** moved that **SB 222 BE AMENDED**.

EXHIBIT(loh65a05)

Discussion:

REP. MAEDJE explained his amendments.

REP. FORRESTER stated that he would support the amendment at the request of his constituents.

REP. LASLOVICH informed the Committee that if the amendments were added to the bill and the bill passed, **SEN. BOHLINGER** would object and the bill would be sent to a conference committee.

REP. MAEDJE stated that in reality he did not like the bill.

CHAIRMAN NOENNIG pointed out that the residents of Big Sky were in favor of being incorporated, they just did not want the non-residents to be allowed to vote.

REP. HAWK remarked that they needed to come back with a better bill.

REP. MAEDJE commented on the fact that there should be more limitations put in the bill.

Vote: Motion that **AMENDMENT TO SB 222 BE CONCURRED IN** carried 13-3 by voice vote with **REPS. CYR, LASLOVICH** and **NOENNIG** voting no and **REP. RASER** voting aye by proxy.

Motion: **REP. OLSON** moved that **SB 222 BE CONCURRED IN AS AMENDED**.

Discussion:

CHAIRMAN NOENNIG, REP. DEVLIN and **Ms. Erickson** discussed density requirements in regard to annexation and its relationship to the surrounding area in cases such as Big Sky.

REP. MENDENHALL explained his position and stated he was not in favor of SB 222.

Vote: Motion that **SB 222 BE CONCURRED IN AS AMENDED** failed 4-12 by voice vote with **REPS. CYR, JACOBSON, LASLOVICH** and **NOENNIG** voting aye and **REP. RASER** voting no by proxy.

Motion/Vote: REP. OLSON moved that THE VOTE BE REVERSED AND SB 222 BE TABLED. Motion carried 16-0 by voice vote with REP. RASER voting aye by proxy.

ADJOURNMENT

Adjournment: 6:15 P.M.

REP. MARK NOENNIG, Chairman

MARI PREWETT, Secretary

MN/LK

EXHIBIT (loh65aad)